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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/802,652

03/16/2004

Narumi Koga

501152.20026

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04/10/2007

REED SMITH, LLP

ATTN: PATENT RECORDS DEPARTMENT

599 LEXINGTON AVENUE, 29TH FLOOR

NEW YORK, NY 10022-7650

EXAMINER

SHAH, MANISH S

ART UNIT

PAPER NUMBER

2853

MAIL DATE

DELIVERY MODE

04/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/802,652

Applicant(s)

KOGA ET AL.

Examiner

Manish S. Shah

Art Unit

2853

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

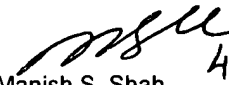
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Manish S. Shah
Primary Examiner
Art Unit: 2853


Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant's arguments filed 03/14/2007 have been fully considered but they are not persuasive.

With respect to rejection over Sanada in view of Ikemoto, applicant argued that the ink of the Ikemoto et al. reference is a non-dispersible coloring agent, not a dispersible colorant, which is not persuasive. Ikemoto clearly teaches in the abstract that the ink composition includes a pigment and dispersant compound. Therefore it is clearly teaches that the pigment is a dispersible pigment. Applicant argued that the Sanada fails to teach the dispersible coloring agent, which is not persuasive. In paragraph [0044], they clearly teaches that the modified pigment is dispersed into an aqueous medium. Therefore the colorant of Sanada is a dispersible colorant. Therefore it obvious to combine the Sanada and Ikemoto reference.

With respect to rejection over Kubota in view of Ikemoto, applicant argued that the pigment of Kubota is preferably added in the form of a pigment dispersant prepared by dispersing the pigment in an aqueous medium with the aid of a dispersant or surfactant, which is not persuasive. Kubota in column: 6, line: 9-20, it clearly teaches that the ink composition used in the present invention may contain surfactant. Therefore, Kubota teaches that ink composition can have dispersant and surfactant. Applicant argued that the ink of the Ikemoto et al. reference is a non-dispersible coloring agent, not a dispersible colorant, which is not persuasive. Ikemoto clearly teaches in the abstract that the ink composition includes a pigment and dispersant compound. Therefore it is clearly teaches that the pigment is a dispersible pigment. Therefore it obvious to combine the Kubota and Ikemoto reference.

2. Applicant's arguments see page 12, filed on 3/14/2007, with respect to claims 13-20 have been fully considered. The rejection of claims 13-20 with respect to Okada in view of Ikemoto has been withdrawn.


4/5/07
MANISH S. SHAH
PRIMARY EXAMINER